

The 4th January, 1977

No. 12711-4Lab-76/426.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Hindustan Pottery Industries, Bahadurgarh :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 36 of 1976  
between

SHRI SUBRATTI, WORKMAN AND THE MANAGEMENT OF M/S HINDUSTAN  
POTTERY INDUSTRIES, BAHADURGARH

#### AWARD

By order No. ID/RTK/62-G-75/11931, dated 1st April, 1976, of the Governor of Haryana the following dispute between the management of M/s Hindustan Pottery Industries, Bahadurgarh and its workman Shri Subratti was referred to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Subratti was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court in response to the usual notice of reference sent to them and filed their pleadings giving rise to the following issues framed by me, — *vide* my order dated 8th September, 1976 :—

- (1) Whether the enquiry held against the workman was fair, proper and according to principles of natural justice? If yes, to what effect?
- (2) Whether Subratti has withdrawn his demands leading to the reference after filing of the written statement by the management, — *vide* settlement, dated 20th August, 1976?

Whereas Shri Moti Lal Verma, Manager of the concerned management appeared before me on 3rd December, 1976, the fixed date of hearing, the workman absented himself on that date despite being directed to appear, — *vide* my order, dated 3rd November, 1976. With the result that *Ex parte* proceedings were taken against him. The management relied upon a written settlement, Ex. M-1, alleged to have been thumb-marked by the workman withdrawing the demand raised by him on the management leading to this reference. Shri Moti Lal made a statement on oath, that settlement, Ex. M-1, was duly thumb-marked by the workman in his presence.

I see no reason to disbelieve the statement of Shri Moti Lal particularly when the proceedings against the workman are *Ex parte* and he has not taken care to appear before me either to affirm or to deny the correctness of the settlement despite a direction made by me to his authorised representative on 8th September, 1976, to arrange his appearance on 3rd December, 1976.

I, thus relying on the statement of Shri Moti Lal hold that the demand raised by the workman on the management leading to this reference has been duly satisfied and as such withdrawn and there is now no dispute between the parties requiring adjudication. I answer the reference while returning the Award in these terms.

Dated 6th December, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 2745, dated the 10th December, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.